

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KAZI MANAGEMENT	:	Civil Action No. 4:20-cv-00924
SAINT CROIX, LLC and ZUBAIR	:	
KAZI,	:	
Plaintiffs	:	
	:	
v.	:	
	:	
SANTIAGO GARCIA GUTIERREZ,	:	JURY TRIAL DEMANDED
UNIVERSAL INVESTMENTS &	:	
TRADING, LLC, and UNITED FUEL	:	
SUPPLY SA, LLC, and JOHN DOE,	:	
Defendants		

AFFIDAVIT IN SUPPORT OF REQUEST FOR DEFAULT

I, Forest Dean Morgan, Esquire, declare under penalty of perjury the following facts are true and correct to the best of my information and belief:

1. I am the Attorney for the Plaintiffs in this action.
2. A Complaint was filed herein on March 13, 2020.
3. On March 13, 2020, Plaintiffs requested Defendants Santiago Garcia Gutierrez (GARCIA), Universal Investments & Trading, LLC (UIT), and United Fuel Supply SA, LLC (UFS SA) waive service of a summons by fully complying with F.R.C.P. 4(d) via first class mail delivered as follows:
 - a. To multiple addresses believed to be the home or possible home of Santiago Garcia Gutierrez.
 - b. To the registered agent of Universal Investments & Trading, LLC
 - c. To the office of United Fuel Supply SA, LLC and to the home address of the Registered Agent, Santiago Garcia Gutierrez.

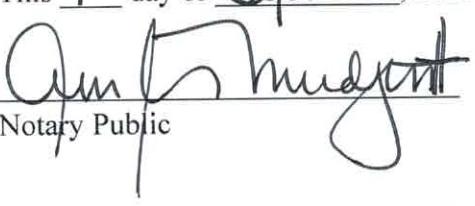
4. On March 16, 2020, this Court scheduled a Pre-Trial Conference for July 17, 2020 at 2:00 p.m.
5. All documents mailed to Defendants as set forth in Paragraph 3 were returned by the United States Postal Service as undeliverable to the addressed defendant.
6. No named Defendants waived service.
7. On April 28, 2020, Plaintiffs requested issuance of a summons.
8. On April 29, 2020, Summons were issued as to Garcia, UIT, and UFS SA.
9. On June 16, 2016, upon Plaintiffs' Motion for Substituted Service, the Court granted Plaintiffs' Motion and permitted substituted service.
10. Service upon Santiago Garcia Gutierrez, in his individual capacity, was made by publication in the Los Angeles Times, a newspaper in General Circulation on: July 1, 2020; July 12, 2020; July 19, 2020, and July 26, 2020. Proof of Publication is attached hereto as ***Exhibit A***.
11. Service upon Santiago Garcia Gutierrez, in his individual capacity, was made by publication in the Houston Chronicle, a newspaper in General Circulation on: July 8, 2020; July 15, 2020; July 22, 2020, and July 29, 2020. Proof of Publication is attached hereto as ***Exhibit B***.
12. Service upon Universal Investments and Trading, LLC was made by Service upon the Secretary of State in compliance with the Title 2.6 of the California Corporations Code, Section 17701.16(c) on August 7, 2020. A true and correct Affidavit of Service is attached hereto as ***Exhibit C***.
13. Service upon United Fuel Supply SA, LLC and Santiago Garcia Gutierrez as Agent, was made by the Texas Secretary of State on August 3, 2020 pursuant to Section

17.044(2) of the Texas Civil Practice and Remedies Code. True and correct copies of Certificates of Service are attached hereto as ***Exhibit D.***

14. More than 21 days have elapsed since the defendant in this action was served and the defendant has failed to plead or otherwise defend as provided in the Federal Rules of Civil Procedure.
15. The Defendants in this case are neither minor nor incompetent.
16. The claim in this matter is for a sum which can be made certain of \$2,739,789.27 as set forth in the Paragraphs 59 through 96 of the Complaint.



Forest Dean Morgan, Esquire
Attorney for Plaintiffs

Sworn and Subscribed before me
This 1st day of Sept, 2020

Ann G Mudgett
Notary Public

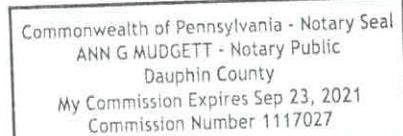


Exhibit A

Los Angeles Times

Publication Date: 07/01/2020

This electronic tear sheet confirms the ad appeared in the Los Angeles Times on the date and page indicated.

Ad Number:	7704466-1
Client Name:	The Morgan Law Firm
Advertiser:	Legal/B004/LA
Section/Page/Zone:	Self Service Multi-Product Purchase
Description:	

AS A death doula, Ahna Arthur has spent a lot of time thinking about what a "good death" means — how racism and sexism have shaped it, and what people die just as it affects how we all live. During the "Sayin' It Louder" talk, she and the other panelists discussed how a "good death" can involve an end-of-life doula based in the Bay Area and was one of the "Sayin' It Louder" panelists. Part of Sawyer's job as a doula is to push against rac-

[Death, from B1]
Arthur, who has been interviewed for several news and media outlets, TV appearances and givings speeches on death doula work. "But Black people and people of color are not a monolith, and it's very important that other people join in this conversation."

The idea behind the broader death positivity movement is that discussing death and actively preparing for one's death can lead to a better quality of life, even if death is not imminent. And the numbers are growing. A community deathcare group on Facebook has more than 8,000 members. The Order of the Good Death Facebook group has more than 150,000 people.

Death doula in particular have seen a surge in popularity as more people approaching the end of their lives seek emotional and spiritual support. Just as birth doula private practice for delivery, death doula help people prepare for death, often with a spiritual bent, and provide emotional support as clients decide what songs they would like to have playing during their final hours or, working with someone on their advance directives and wills. Death doula work differs from hospice care in that it is independent of any medical system. The lastest death doula poll up more than 10,000 posts on Instagram, with many users posting up 60,000.

As a death doula, Arthur has spent a lot of time thinking about what a "good death" means — how racial bias and sexism have shaped it, the source of death and affect how people die just as it affects how we all live. During the "Sayin' It Louder" talk, she and the other panelists discussed how a "good death" can involve an end-of-life doula based in the Bay Area and was one of the "Sayin' It Louder" panelists. Part of Sawyer's job as a doula is to push against rac-



FRANCINE GILL / Los Angeles Times

AS A death doula, Ahna Arthur has spent a lot of time thinking about what a "good death" means — how racism and sexism have shaped it, and what people die just as it affects how we all live. During the "Sayin' It Louder" talk, she and the other panelists discussed how a "good death" can involve an end-of-life doula based in the Bay Area and was one of the "Sayin' It Louder" panelists. Part of Sawyer's job as a doula is to push against rac-

ism and sexism as they approach death.

For many, a "good life" ends with excellent medical care. However, it has been well documented that the medical field is rife with implicit bias. A study published in 2017 in the Academic Emergency Medicine journal found that physicians, specifically white physicians, had a preference for white patients over Black patients.

An example of the disparity is the way in which pain medication is administered to Black patients. A National Institutes of Health study analyzed pain management and assessed 29 years of pain treatment in the United States. It found that Black people received less pain medication than other groups.

The medical inequities, said Sawyer and her rest of the panelists, have taken a toll on Black communities. An analysis of COVID-19 pandemic has disproportionately affected communities of color. APHA's research lab found that Black Americans have experienced higher mortality rates as a result of COVID-19. In California, Black people are dying at twice the rate of white people.

"The sheer stress of being

brought into a racist society, and the resulting psychological, emotional and physical stresses, will make the body more susceptible to illness like the coronavirus," Sawyer said.

Racial bias continues after death too. During the "Sayin' It Louder" talk, Jevl Simon Anthony, a Black funeral director and sacred art practitioner based in Atlanta, brought his braids cut when I work with white people.

The medical inequities, said Sawyer and her rest of the panelists, have taken a toll on Black communities. An analysis of COVID-19 pandemic has disproportionately affected communities of color. APHA's research lab found that Black Americans have experienced higher mortality rates as a result of COVID-19. In California, Black people are dying at twice the rate of white people.

"I used to work in a funeral home with a lot of Black people, and the first thing I saw was a woman with a box braid," Anthony said. "A woman came in who had died and also had box braids. The family decided that, for the funeral, they wanted her box braids taken out. They wanted to remember her with her natural hair."

Anthony later found a director of the funeral home cutting the box braids out of the woman's hair and her scalp — cutting all her hair

brought into a racist society, and the resulting psychological, emotional and physical stresses, will make the body more susceptible to illness like the coronavirus," Sawyer said.

Racial bias continues after death too. During the "Sayin' It Louder" talk, Jevl Simon Anthony, a Black funeral director and sacred art practitioner based in Atlanta, brought his braids cut when I work with white people.

The medical inequities, said Sawyer and her rest of the panelists, have taken a toll on Black communities. An analysis of COVID-19 pandemic has disproportionately affected communities of color. APHA's research lab found that Black Americans have experienced higher mortality rates as a result of COVID-19. In California, Black people are dying at twice the rate of white people.

"I used to work in a funeral home with a lot of Black people, and the first thing I saw was a woman with a box braid," Anthony said. "A woman came in who had died and also had box braids. The family decided that, for the funeral, they wanted her box braids taken out. They wanted to remember her with her natural hair."

Anthony later found a director of the funeral home cutting the box braids out of the woman's hair and her scalp — cutting all her hair

"We are carrying so much right now, our burdens are different."

— ALICA FORNEKET, a grief guide, referring to grief in the Black community

He didn't know the difference between removing braids and cutting them out.

In an effort to inform her clients about the racial bias, Anthony has developed online cultural competency courses for funeral professionals. "They are designed to educate professionals about caring for Black people's hair and skin," she said.

A major part of death positive work is focused on honoring and respecting the person who is dying. Small gestures can be deeply meaningful and differ depending on one's cultural background.

"I was working with a client called Ms. Beverly Lescock," Arthur said. "Ms. Beverly is Black, and I unders-

tood much of what she was going through with her hair cutting her Ms. Beverly, rather than calling her by (my) her first name, that's something we do in the Black community. It's an important sign of respect."

These are some of a death doula may encounter — death quiet, peaceful and calm, it's far from passive, Arthur said she considers herself to be an activist.

"In my work, I advocate for the whole person," she said. "I advocate for the person for exactly who they are and where they are at — it's activism cloaked in compassion. To me that's the act of revolution."

A different type of death, that of Black people at the hands of police officers, has ushered in a new era of revolution.

The deaths of Floyd, Breonna Taylor and others have inspired national protests and change. But they have also ushered in a period of intense national mourning.

"People are grieving hurt, and will never stop," said Alisa Fornekett, a grief guide who was also part of the "Sayin' It Louder" panel.

And the experience of grief right now in the Black community is overwhelming. "Our experience with trauma is different," Fornekett said. "We are carrying so much right now, our burdens are different."

Fornekett said, those burdens that make trauma like the "Sayin' It Louder" panel so meaningful.

"When I'm on a call with a bunch of Black women working together, I feel like I'm spreading the difference," she said. "I'm expressing myself differently because it's a safe environment."

Arthur sees parallels between the end-of-life work she does, the death cloak and the collective experience of grief, and less so many are currently feeling.

"I started with the coronavirus — a pandemic that's really global. But now, the deeper, more systemic disease of racism is being pretty recognized. Somebody just got a diagnosis they were not prepared for, but hopefully it will lead to the death of an old ideology."

Death row inmate at San Quentin dies in outbreak

[Inmates, from B1] Stately's official cause of death is still pending additional testing, according to Marin County sheriff's officials.

Newman on Monday acknowledged the role the transfers have played in the San Quentin outbreak.

"It looks and appears to be true. Again, we're still getting through the complete investigation, so I want to have that as a caveat of consideration before people read with it," the governor said.

"We are working with many advocates in the courts and others," Newman said, noting that the California Department of Corrections and Rehabilitation is "looking at medical conditions of our prisoners, those that are most vulnerable."

He said the state wants to ensure that all inmates have access to medical care before they are released.

Unlike other prisons in California, San Quentin had escaped any coronavirus outbreak until early June, when inmates were moved there from the Chino prison on May 20.

The California Institution for Men, an early hotbed of coronavirus cases in the state, had been hit by the deaths of 11 inmates. Statewide, 20 inmates have died of virus-related illnesses, and more than 4,800 have tested positive.

Inmates in Chino who did not test positive and are medically vulnerable were transferred to the state's other prisons, including the Chino and Corcoran. The transfers initiated outbreaks at both prisons, with a federal judge calling the moves a significant failure.

Stately had been on death row at San Quentin for nearly three decades since being sentenced for the 1990 rape and murder of Carol Unzen, 47, who was last seen entering a Redesa bar with her son.

He was one of 725 death row inmates housed at the Bay Area prison. Of those, nearly 200 have tested positive for the coronavirus.

Stately's official cause of death is still pending additional testing, according to Marin County sheriff's officials.

Newman on Monday acknowledged the role the transfers have played in the San Quentin outbreak.

"It looks and appears to be true. Again, we're still getting through the complete investigation, so I want to have that as a caveat of consideration before people read with it," the governor said.

A similar transfer of inmates from San Quentin to a prison in Kern County was delayed last week after some inmates tested positive. Before the May 20 transfer from the California Institution for Men in Chino, the California Department of Corrections and Rehabilitation had stopped the movement of all inmates for months, limiting most outbreaks to a few of its 35 prisons.

As of Monday, 2,526 inmates at San Quentin had tested positive for the coronavirus, according to department's data. About two-fifths of inmates are deemed vulnerable, according to state officials.

"We are closely monitoring and quickly responding to positive cases of COVID-19 in state prisons, including at San Quentin," corrections spokeswoman Diane Sims said in a statement.

"Additionally, we are working jointly with the court-appointed Federal Receiver on an housing and treatment, as well as public health agencies and stakeholders for the safety and security of our inmates, staff and corrections officers."

Prison officials set up tents Monday in the exterior yards as part of an effort to socially distance some of the inmates. A similar move was made at the California Institution for Men in Madera.

MARKETPLACE

JOBS - REAL ESTATE - MORE

ANNOUNCEMENTS/ENTERTAINMENT
500

General Announcements

ATTENTION:
If you are a service provider, you may list your business on our website at www.latimes.com/classifieds. For more information, call 800-222-2222 or visit www.latimes.com/classifieds.

FINANCIAL SERVICES

PAYROLL TAX

EMPLOYMENT

SALES

GENERAL

NOTICE

Los Angeles Times

Publication Date: 07/19/2020

This electronic tear sheet confirms the ad appeared in the Los Angeles Times on the date and page indicated. You may not create derivative works, or in any way exploit or repurpose any content.

Ad Number: 7704466-1
 Client Name: The Morgan Law Firm
 Advertiser: Legal/B005/EAST
 Section/Page/Zone: Self Service Multi-Product Purchase
 Size: 2 x 1
 Color Type: B&W

FOR SALE

SUBDIVISION

UTAH LAND

LAND

Exhibit B



AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, the Newspaper Representative at the HOUSTON CHRONICLE, a daily newspaper published in Harris County, Texas, and generally circulated in the Counties of: HARRIS, TRINITY, WALKER, GRIMES POLK, SAN JACINTO, WASHINGTON, MONTGOMERY, LIBERTY, AUSTIN, WALLER, CHAMBERS, COLORADO, BRAZORIA, FORT BEND, GALVESTON, WHARTON, JACKSON, and MATAGORDA and that the publication, of which the annexed herein, or attached to, is a true and correct copy, was published to-wit:

THE MORGAN LAW FIRM

0034036923

RAN A LEGAL NOTICE

SIZE BEING: 2 x42 L

Victoria Bond & Reck

NEWSPAPER REPRESENTATIVE

Sworn and subscribed to before me, this 29th Day of July A.D. 2020



Notary Public in and for the State of Texas

[Large blue ink signature over the notary stamp]

United States District Court

For the

Southern District of Texas

Kazi Management St. Croix, LLC and Zubair Kazi

Plaintiff(s)

v.

Santiago Garcia Gutierrez, Universal Investments &
Trading, LLC, United Due Supple, LLC and John

DOE

Defendant(s)

Civil Action No. 4:20-cv-00924

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Santiago Garcia

Gutierrez

1111 Caroline Street, Apt 2903

Houston, TX 77010

A lawsuit has been filed against you.

Within 21 days after service of this summons on you
(not counting the day you received it)—or 60 days if
you are the United States or a United States Agency,
or an officer or employee of the United States
described in Fed. R. Civ. P. 12 (a)(2) or (3)—you
must serve on the plaintiff an answer to the attached
complaint or a motion under Rule 12 of the Federal
Rules of Civil Procedure. The answer or motion must
be served on the plaintiff or plaintiff's attorney,
whose name and address are:

The Morgan Law Firm

Forest Dean Morgan, Esquire

151 W. Chocolate Ave, Suite 145

PO Box 787

Hershey, PA 17033

If you fail to respond, judgment by default will be en-
tered against you for the relief demanded in the com-
plaint. You also must file your answer or motion with
the court.

Date: April 29, 2020

David J. Bradley, Clerk of Court

/s/ R. A. Limon

Signature of Clerk or Deputy Clerk

Exhibit C

Attorney or Party without Attorney:

Forest Dean Morgan, Esq.
 The Morgan Law Firm
 151 W. Chocolate Avenue, Suite 145
 PO Box 767
 Hershey, PA 17033

Telephone No: 717-220-4300

FAX No: 717-585-6574

For Court Use Only

Attorney for: Plaintiff

Ref. No. or File No.:

Insert name of Court, and Judicial District and Branch Court:

United States District Court For The Southern District Of Texas

Plaintiff: Kazi Managmenet St. Croix, et al.

Defendant: Santiago Garcia Gutierrez, et al.

AFFIDAVIT OF SERVICE	Hearing Date:	Time:	Dept/Div:	Case Number:
				420CV00924

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the Summons in a Civil Action; Complaint; Correspondence; Order Permitting Substituted Service and Continuing the Pre-Trial Conference
3. a. Party served: Universal Investments & Trading, LLC
b. Person served: Valerie Flurry, Person Authorized to Accept
4. Address where the party was served: Secretary Of State
1500 11th Street, 3rd Floor
Sacramento, CA 95816
5. I served the party:
a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party (1) on: Fri., Aug. 07, 2020 (2) at: 2:35PM

7. Person Who Served Papers:

Fee for Service: \$200.50

a. John M. Adams



1500 W. El Camino Avenue, #510
 Sacramento, CA 95833
 855-5VALPRO, Fax (866) 900-4665
www.ValproAttorneyServices.com

8. I declare under penalty of perjury under the laws of the State of TEXAS and under the laws of the United States Of America that the foregoing is true and correct.

Exhibit D



The State of Texas
Secretary of State

2020-317990-1

I, the undersigned, as Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office, a copy of the Summons in a Civil Action in the cause styled:

Kazi Management St. Croix LLC and Zubair Kazi VS Santiago Garcia Gutierrez,
Universal Investment and Trading LLC United Fuel Supply LLC and John DOE
United States District Court Southern District Of Texas
Cause No: 420CV00924

was received by this office on June 16, 2020, and that a copy was forwarded on June 22, 2020, by CERTIFIED MAIL, return receipt requested to:

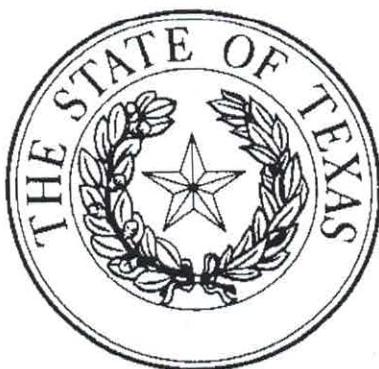
United Fuel Supply SA LLC
C/O Santiago Garcia Gutierrez Registered Agent
1111 Caroline Street, Apt 2903
Houston, TX 77010

The RETURN RECEIPT was received in this office dated August 3, 2020, bearing signature.

Date issued: August 5, 2020

A handwritten signature in black ink, appearing to read "Ruth R. Hughes".

Ruth R. Hughes
Secretary of State
GF/vm





The State of Texas
Secretary of State

2020-317990-2

I, the undersigned, as Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office, a copy of the Summons in a Civil Action in the cause styled:

Kazi Management St. Croix LLC and Zubair Kazi VS Santiago Garcia Gutierrez,
Universal Investment and Trading LLC United Fuel Supply LLC and John DOE
United States District Court Southern District Of Texas
Cause No: 420CV00924

was received by this office on June 16, 2020, and that a copy was forwarded on July 6, 2020, by CERTIFIED MAIL, return receipt requested to:

Santiago Garcia Gutierrez
1111 Caroline Stret, Apt 2903
Houston, TX 77010

The RETURN RECEIPT was received in this office dated August 3, 2020, bearing signature.

Date issued: August 5, 2020

A handwritten signature in black ink, appearing to read "Ruth R. Hughes".

Ruth R. Hughes
Secretary of State
GF/vm

